

REMARKS

Applicants have carefully considered this Application in connection with the Examiner's Action, and respectfully request reconsideration of this Application in view of the above Amendment and the following remarks.

Applicants have amended Claim 1 above to specify that the pharmaceutical auxiliary is polyvinylpyrrolidone having a weighted average molecular weight ranging from about 1,000 to about 20,000. Support for this amendment can be found in paragraph 44 of the Specification and in original Claim 6.

Claims 1 – 5, 11, and 12 are pending in this application.

I. Rejections Under 35 U.S.C. §102(b)

Claims 1 – 5, 11 and 12 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,387,415 to Wunderlich et al. (“Wunderlich”), in light of U.S. Patent No. 4,735,935 and U.S. Patent No. 5,106,616, both to McAnalley et al.

Applicants have amended Claim 1 above to specify that the pharmaceutical auxiliary is polyvinylpyrrolidone. By contrast, Wunderlich only discloses the use of collagen, gelatin, fractionated gelatin, elastin hydrolysate, collagen hydrolysate, plant proteins, and other hydrolysates as carrier materials. See Wunderlich, Col. 3, lines 21 – 26. **Wunderlich does not disclose a substantially dry mixture containing processed plant solid and polyvinylpyrrolidone.** Thus, Wunderlich does not disclose every claimed element and does not anticipate Claims 1 – 5, 11, and 12.

For these reasons, Claims 1 – 5, 11, and 12 are patentable over Wunderlich.

II. Rejections Under 35 U.S.C. §103(a)

Claims 1 – 5, 11, and 12 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,443,830 to Moore et al. (“Moore”) in view of Wunderlich. The Examiner asserts that Moore discloses drink mixes having the claimed aloe polysaccharides and that Wunderlich teaches the use of a pharmaceutical auxiliary having the claimed weight.

Applicants have amended Claim 1 above to specify that the pharmaceutical auxiliary is polyvinylpyrrolidone. **Wunderlich does not teach or suggest the use of polyvinylpyrrolidone as the claimed pharmaceutical auxiliary.** By contrast, Wunderlich teaches the use of plant proteins and hydrolysates as the carrier material for his “molded particle.” See Wunderlich, Col. 3, lines 21 – 25. Thus, Wunderlich does not teach the claimed pharmaceutical auxiliary and, in combination with Moore, does not render the claims obvious.

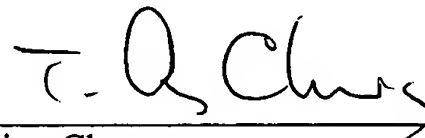
For these reasons, Claims 1 – 5, 11, and 12 are patentable over Moore in view of Wunderlich.

III. Conclusion

Applicants respectfully submit that, in light of the foregoing comments, Claims 1 – 25 are in condition for allowance. A Notice of Allowance is therefore requested.

If the Examiner has any other matters which pertain to this Application, the Examiner is encouraged to contact the undersigned to resolve these matters by Examiner’s Amendment where possible.

Respectfully submitted,



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